

EXHIBIT C

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 -----X
5 KING RANGE, JR,

6 PLAINTIFF,

7 -against-

8 Case No.:
9 17-00149(LAP)

10 230 WEST 41ST STREET, LLC, HAT TRICK PIZZA,
11 INC., DOMINO'S PIZZA LLC and DOMINO'S PIZZA
12 FRANCHISING LLC, .

13 -----X

14
15 DATE: December 9, 2019

16
17 TIME: 4:02 p.m.

18 EXAMINATION BEFORE TRIAL of
19 DEDRE DE LA ROSA, taken by the Defendant,
20 pursuant to a Court Order, held at the
21 offices of Parker Hanski, 40 Worth Street,
22 10th Floor, New York, New York 10013,
23 before ToniAnn Lucatorto, a Notary Public
24 of the State of New York.
25

1 D. DE LA ROSA

2 them.

3 Do you have a medical condition
4 that limits your mobility?

5 A. Yes, I do.

6 Q. What condition is that?

7 A. Osteogenesis imperfecta.

8 Q. How long have you had that?

9 A. Since birth.

10 Q. So I see that you're in a
11 wheelchair right now. Do you use a
12 wheelchair all the time?

13 A. 24/7.

14 Q. I see that your wheelchair is
15 manual. Do you always use a manual
16 wheelchair?

17 A. Most of the time, but -- I have
18 a power chair, but it's broken.

19 Q. When did that power chair
20 break?

21 A. About a year ago.

22 Q. How did it break?

23 A. Just normal wear and tear.

24 Q. Can you walk or stand without
25 your wheelchair?

1 D. DE LA ROSA

2 A. I wanted to try something
3 different that day. I think it was and we
4 just stick to the regular because we don't
5 want to chance it. It was if we wanted
6 deep dish or we wanted regular crust.
7 That's what it was.

8 Q. So you get to the Domino's, you
9 see there's a step. You're disappointed.
10 Did you say anything to anybody who works
11 at Domino's?

12 A. Couldn't get in there to say
13 anything.

14 Q. Did you try to get anybody's
15 attention inside?

16 A. No.

17 Q. How long were you outside of
18 Domino's for?

19 A. I would say about two minutes
20 or so.

21 Q. Did you take any pictures?

22 A. No.

23 Q. Did you have your phone on you?

24 A. Yes.

25 Q. Did Mr. Range have his phone on

1 D. DE LA ROSA

2 him?

3 A. I don't know. I would assume
4 so.

5 Q. Did you text anybody when you
6 were outside of Domino's?

7 A. I don't think I would have the
8 need to, no.

9 Q. Did you try to call the store?

10 A. No.

11 Q. Did you check to see if they
12 had a portable ramp?

13 A. No.

14 Q. If they had a portable ramp,
15 would you have used it?

16 A. No.

17 Q. Was anybody else with you?

18 A. No.

19 Q. Did you notice whether there
20 was a pizza place across the street?

21 A. No.

22 Q. Did you see any other --
23 besides the step at the front entrance, did
24 you see any other barriers at the store?

25 A. No.

1 D. DE LA ROSA

2 Q. So you were standing outside of
3 the store, you were disappointed. You were
4 there for about two minutes; is that right?

5 A. Approximately.

6 Q. Then what happened?

7 A. We said we were going to
8 McDonald's. That was the only thing that
9 was pretty much available to eat.

10 Q. Whose idea was it to go to
11 McDonald's?

12 A. I can't recall.

13 Q. Which McDonald's did you go to?

14 A. It was right around 42nd
15 between 7th and 8th.

16 Q. Is that the McDonald's that you
17 sued?

18 A. (No verbal response given.)
19 Yes.

20 Q. Do you remember what you
21 ordered at McDonald's?

22 A. Probably my regular.

23 Q. What was that?

24 A. Either the nuggets or a burger.

25 Q. Do you remember what Mr. Range

1 D. DE LA ROSA

2 about the Domino's on West 40th Street.

3 Have you discussed that location at all?

4 A. No.

5 Q. So he never complained to you

6 about that Domino's afterwards?

7 A. No. Not until I was told to

8 come here today.

9 Q. Do you know if this was the
10 first time Mr. Range went to that Domino's
11 location?

12 A. I wouldn't know.

13 Q. Do you know if Mr. Range has
14 been back to that Domino's location?

15 A. Not that he has told me.

16 Q. Has Mr. Range ever discussed
17 going back to that Domino's location with
18 you?

19 A. No.

20 Q. Has he ever discussed how his
21 experience at that Domino's location made
22 him feel?

23 A. No. Other than when we were in
24 front of it and he was obviously upset that
25 we couldn't get in.

1 D. DE LA ROSA

2 Q. So aside from those two minutes
3 that you were outside of it, you never
4 discussed the Domino's West 40th Street
5 location in any respect?

6 A. No.

7 Q. Did you discuss which one of
8 you would file a lawsuit regarding this
9 property?

10 A. No.

11 Q. Has Mr. Range ever spoken to
12 you about being a tester for ADA lawsuits?

13 A. No.

14 Q. Do you consider yourself to be
15 a tester for ADA lawsuits?

16 A. Yes.

17 Q. What is your understanding of
18 what a tester is?

19 A. Someone that files cases for
20 accessibility issues to get accessibility
21 features done to a business so that
22 individuals that need it, could benefit
23 from the accessibility.

24 Q. Does Mr. Range ever speak to
25 you about being depressed?